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*U.S. Environmental Protection Agency    U.S. Army Corps of Engineers  
U.S. Office of Surface Mining        U.S. Fish and Wildlife Service  
West Virginia Division of Environmental Protection*

## **Mountaintop Mining/Valley Fill EIS Bulletin 1**

### *Introduction*

This bulletin is the first in a series on the preparation of an environmental impact statement (EIS) on mountaintop removal and valley fill mining operations in the Appalachian coalfields. As announced in the *Federal Register*, the purpose of the EIS is to:

...consider developing agency policies, guidance, and coordinated agency decision-making processes to minimize, to the maximum extent practicable, the adverse environmental effects to waters of the United States and to fish and wildlife resources from mountaintop mining operations, and to environmental resources that could be affected by the size and location of fill material in valley fill sites.

The agencies preparing the EIS are: the U.S. Environmental Protection Agency (EPA), the U.S. Army Corps of Engineers (Corps), the Office of Surface Mining (OSM), and the U.S. Fish and Wildlife Service (FWS), along with the State of West Virginia Division of Environmental Protection. The States of Kentucky and Virginia have also been asked to participate. The draft EIS will be released for public comment during the summer of 2000. The final EIS is slated for completion by January 2001.

This bulletin presents a **summary of comments** received on the scope of the EIS and the issues which should be emphasized. It outlines **progress** on developing the EIS, the **goals** adopted by the agencies, and the general **framework** of the EIS document.

Future bulletins will inform interested parties about the technical studies and other activities which are necessary to prepare the draft EIS. A **Web page** has been developed by EPA Region III where the bulletins and other EIS materials may be found.

\*\*\*\*\* Letter from Regional Administrator, W. Michael McCabe \*\*\*\*\*

### **Public Input**

An important part of preparing an EIS is inviting public comment on the scope and issues which need particular attention. Public meetings were held in Summersville, Charleston, and Logan, WV, on February 23, 24, and 25, respectively. The public was also invited to provide written comment concerning the proposal by March 31, 1999. To get the word out that an EIS was to be prepared, news articles were published by several local newspapers announcing the planned EIS and public meetings. In addition, EPA's Region III Regional Administrator, Michael McCabe, sent a letter to approximately 2500 citizens residing in the Appalachian coalfield area. What the agencies heard during this initial process of receiving public views, the "EIS scoping process", is outlined in the next section.

**NOTICE! A new opportunity for public input is available NOW.....**

Beginning now and continuing throughout the summer, the agencies will be reviewing all of their policies, regulations, technical guidance documents and procedures (such as those for permit review and enforcement) which apply to regulation and environmental review of mountaintop mining operations and valley fills. This is to assist in selecting alternatives which will be analyzed in depth in the EIS. Opportunities for improvement are not limited to formal policies and technical requirements. They could include better staff training and funding of programs, as well as providing better opportunities for public participation in agency decision processes and watershed planning. **Anyone who has recommendations (not already provided) about the kinds of policy and program improvements which the agencies should investigate is invited to send comments by June 23 to Bill Hoffman at EPA. Information about how to reach Bill is on the last page of the bulletin. Meetings can also be arranged.**

The agencies will ask for additional comments when the draft EIS document is published. Interested citizens, businesses and other organizations are invited to send information for agency use in EIS preparation at any time.

## **What We Heard in the "Scoping Process"**

As a result of the public outreach efforts, 641 different people provided comments at the public meetings, and 95 comment letters were received. Comments described economic and social impact concerns; policy and regulatory review issues; EIS process questions; and a broad range of environmental impacts associated with mountaintop mining/valley fill operations. These comments are summarized below, and will receive attention in the EIS process.

### ***Economic Issues***

- The effect of new or additional environmental protection requirements on surface coal mining employment.
- The effect of mining impacts on future jobs, such as in the tourism and recreational industries, and the negative effect of increased mechanization on employment levels.
- The effect that new regulations might have on local tax revenues and on the economic health of the region; including effects on local property values.

- The need to include external costs/benefits of the operations for a complete assessment of mountaintop mining economics.
- The need to track the fate of locally mined coal (i.e. to which power plants it is directed), and to assess impact of increased costs or restriction of supply on the market.
- Some respondents thought a moratorium should take place on certain types of mining during the period of EIS study.

### ***Social Issues***

- The effects of mountaintop mining and valley fill operations on families -- both from the standpoint of revenues for families employed directly or indirectly from mining operations and families in geographic areas particularly impacted by mining operations.
- The psychological stress associated with living near mining areas, and with the uncertainty about employment associated with future mining.
- The effects of mountaintop mining on cultural resources.
- The effects of mountaintop mining on a sense of community.

### ***Policy/Regulatory Review Concerns***

- Post-mining land use.
- The need for reclamation to return mined land to its approximate original contour.
- Segmentation of mining into smaller parcels -- an attempt to circumvent regulatory requirements?
- Use of alternatives analysis (ie- alternative fuels).
- The effectiveness of mitigation and restoration for stream loss due to valley filling.
- Regulatory inconsistencies at the state and federal levels.
- Lack of compliance with existing regulations.
- The need for improved communication/coordination with the public.
- The need for better planning and assessment data concerning reclamation practices, valley fill stability, and the potential for downstream flooding.
- The concern that bond forfeiture policy is too lax, and that enforcement penalty monies should be devoted toward mitigation projects in the localities where violations occur.

### ***EIS Process***

- The need for unbiased and experienced consultants during preparation of the EIS.
- The need to evaluate impacts both before and after reclamation.
- The need to use representative study sites in the analyses.
- The need to compare impacts of mining to impacts resulting from other types of land use.
- The need to incorporate existing data into the EIS.
- The need to develop a Web site to inform the public as the study unfolds.
- Several respondents suggested that the Office of Surface Mining should be the lead federal agency in preparing the EIS because of its focus in regulating coal mining.

## ***Environmental Issues***

- The need to assess site-specific aquatic and terrestrial effects issues; quality of life issues such as the health effects from airborne dust and noise; and the effects of blasting on wells, underground mines, and structures.
- The need to assess cumulative effects where mining and other land disturbance activities are going on in proximity to one another.
- The need to study the effects of mountaintop mining on weather patterns.
- The need to study the on-site management of fuels/oils/chemicals.
- The need to study the air quality impacts of burning coal.
- The need to study the impacts of these activities on bio-diversity and sustainability..
- Primary aquatic impact assessment concerns included hydrologic effects (flooding, runoff, base flows, sediment transport); biological effects in surface waters; chemical effects in both surface and ground waters; and the effectiveness of stream restoration practices.
- Primary terrestrial impact assessment concerns included effects on wildlife, including the effects on unique and/or endangered species; the introduction of exotic and invasive species; the effects on soil chemistry and topsoil; and the effects on native plants such as ginseng.

## **EIS Progress**

1. EIS Steering Committee. The four Federal agencies and West Virginia Division of Environmental Protection have formed a steering committee to guide the EIS preparation process. The committee's functions include not only preparation of the EIS document but also: (a) completion of technical studies -- including workshops and conferences -- which will provide information and insights for the EIS; (b) coordination with other bodies such as the Kentucky and Virginia environmental and surface mine regulation agencies, and the West Virginia Legislature; and © cooperation with the agency managers responsible for issuing surface mining and related permits while the EIS process is going on. *Anyone wishing further information about the steering committee and its membership, or other aspects of the EIS preparation process, can contact Bill Hoffman at the addressed listed below.*
2. EIS Docket. An official docket of written materials associated with the EIS will be maintained by the West Virginia Division of Environmental Protection, Office of Mining and Reclamation. The address is #10 McJunkin Road, Nitro, WV 25143-2506. The contact is WVDEP's EIS steering committee member, Charles Sturey (tel. 304 759-0510, e-mail [csturey@mail.dep.state.wv.us](mailto:csturey@mail.dep.state.wv.us)). In addition, EPA will be responsible for issuing periodic bulletins and will maintain an EIS Web site. *Information about the Web site is given in the last section of this bulletin.*
3. Contract for EIS Preparation. The consulting firm Gannett-Fleming (Camp Hill, PA, office) was selected to prepare the EIS documents. The contract is being managed by EPA, and the work plan has been approved by the EIS steering committee.

4. Work Plans/Funding of Technical Studies. During May 1999, final EIS technical study plans are being approved. These plans are being developed by interagency teams, and will require additional funding. Data collection and analyses have already begun. The June EIS Bulletin will be devoted to this area of work. Two technical meetings are noted below:

- Workshop on the Value of Headwater Streams. The FWS Pennsylvania Office hosted this expert workshop in April, to review research findings and provide an opportunity for discussion among research scientists and technical staff in the agencies responsible for the EIS. Experts in headwater ecology from industry and academia made presentations. The workshop is part of the EIS stream team work plan. FWS is writing up the conclusions of the meeting. When completed, the workshop report will be announced in a future bulletin and made available to interested readers through the EIS Web site.
- Mining Technology Symposium. The EIS mining technology study team has planned a technical symposium (by invitation) for June 23-24, 1999. The symposium will be held at the Department of Energy, Federal Energy Technology Center (FETC) in Morgantown, WV. FETC will prepare a report summarizing key information and conclusions from the symposium. Availability of this report will be announced in a future bulletin and on the EIS Web site. *For further information, contact David Hartos at OSM's Appalachian Regional Coordinating Center, tel. 412 937-2909. Dave's e-mail address is "dhartos@osmre.gov".*

## **Goals for the EIS Process**

The EIS steering committee has adopted goals from several different perspectives: environmental, regulatory, and public service. What follows is an outline; the full text of the Goals will be published in the EIS Web site.

- Fulfill the EIS purpose statement.
- Assess mining practices to show how mining operations might be carried out in a way that minimizes adverse impacts to streams and other environmental resources and to local communities. Clarify economic and technical constraints and benefits.
- Assess cumulative and future effects using cost-effective, state-of-the-art techniques which can be updated as information is gained to serve as an ongoing educational tool.
- Help citizens clarify choices by showing whether there are affordable ways to enhance existing mining, reclamation, mitigation processes and/or procedures.
- Identify data needed to improve environmental evaluation and design of mining projects to protect the environment.

- Carry out the EIS process in a way that improves communication among companies, government agencies, groups, and local citizens. Leave everyone better able to make intelligent choices about the future.
- Improve regulatory tools.

**What The EIS Will Look Like**

Based on the results of technical studies and other information collected and analyzed by the EIS contractor, we expect that the draft EIS will contain the following:

*Executive Summary*

- This section will provide a basic summary of the draft EIS, including:
  - a description of mountaintop mining/valley fill operations and the policies, guidelines, and regulations governing these operations;
  - how these policies, guidelines, and regulations were evaluated for effectiveness in minimizing site-specific and cumulative environmental impacts; and
  - the preferred alternatives that might be undertaken to avoid/minimize the identified effects.

*Purpose and Need Section*

- This section will specify the underlying purpose and need for why the agencies are proposing the alternatives.
- This section will also describe the background information leading to the development of this draft EIS, including:
  - a summary of the West Virginia litigation and settlement;
  - a summary of the West Virginia Governor’s Task Force report;
  - a summary of the goals and questions document prepared by the agencies; and
  - a summary of the public involvement/scoping process.

*Environmental Setting*

- This section will describe the environmental, socio-economic and regulatory setting in the Appalachian coalfield region.
- The section will characterize the broad ecological environmental condition within the region. To the extent possible, site-specific data sets will be utilized to verify these broad characterizations and/or to assess the impacts that can be associated with mountaintop mining/valley fill operations.
- Available data sets will be identified that can be utilized to verify or help characterize airsheds; watersheds; aquatic and terrestrial ecosystems; historic, cultural, and archeological resources; communities; and other resources that are affected by mountaintop mining/valley fill operations.
- The section will also identify available data sets that can be used to map historic, existing, and future mountaintop mining/valley fill operations in the region.
- Finally, as part of this section, tables and/or charts are proposed that will summarize current statutes and regulations governing mountaintop mining/valley fill operations in the Appalachian coal fields. The analysis is expected to identify areas of potential conflict regarding such elements as definitions and timing of regulatory processes, as well as areas where the regulatory processes complement one another.

#### *Alternatives Considered*

- This section will describe current permitting and reclamation procedures for mining/valley fill operations as the “no action alternative”.
- Alternative policies, guidelines, and regulations governing mountaintop mining/valley fill practices will be described that could be employed to minimize or avoid impacts.
- Alternatives may be grouped according to whether they can be implemented under existing laws and regulations or would require regulatory changes (or possibly changes in law).
- This section will also evaluate the general benefits and costs that might be expected under each of the alternative scenarios.
- Alternatives that are not considered feasible will also be identified.

### *Environmental Consequences*

- This section will examine the site-specific and cumulative environmental and socioeconomic effects associated with the alternative mountaintop mining/valley fill scenarios carried forward from above.
- This section includes the effects of the alternatives on air, noise, water resources, fish and wildlife resources, employment, terrestrial resources, visual and aesthetic qualities, local/State/Federal taxes and revenues, takings implications, land use, traffic and transportation, historic and archaeological resources, energy, and other areas identified by the agencies.

### **For More Information....**

Our new Web page address is: **<http://www.epa.gov/region3/mtntop/>**

**PLEASE NOTE:** Future Bulletins will be provided via the EIS Web site. If you do not have ready access to the Internet, we will be happy to continue to send them to you by mail. **If you wish to receive Bulletins by mail, please contact Bill Hoffman at the address listed below.**

Additional questions about the EIS process may be addressed to Bill Hoffman, Environmental Protection Agency, 3ES30, 1650 Arch Street, Philadelphia, PA 19103-2029. Bill can be reached by e-mail at “[hoffman.william@epa.gov](mailto:hoffman.william@epa.gov)”, or by telephone at (215) 814-2995. From within Region III states (PA, MD, DE, VA, WV) and/or the District of Columbia, you may call the EPA Region III Customer Service Hotline toll-free at 1-800-438-2474 and ask for Bill at his 4-2995 extension.